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MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM :
Director of Personnel

SUBJECT : Code of Conduct for Former Employees

1. At the Executive Committee Meeting on 6 October 1981, you charged me with developing a Code of Conduct that should govern the activities of former employees. In responding to that charge, I have used the following assumptions:

a. The General Counsel will incorporate specific prohibitions into the employment contract.

b. No combination of law and employment contract will cover all the post employment activities which are potentially damaging to CIA.

c. The Code of Conduct goes beyond those activities specifically precluded by law or the employment contract.

d. The Code of Conduct would be without specific sanctions and must depend primarily on personal discipline and social (peer) pressure.

e. The Code of Conduct should be brief and broad in scope.
(Most, if not all, of the former employees now engaged in potentially damaging activities must be aware that they are doing so--or would be aware if they had been properly conditioned during their service.)

2. Based on the above assumptions, I propose something along the order of the following as the Code of Conduct:

CODE OF CONDUCT

Explicit provisions of law and the CIA employment agreement restrict certain activities of current and former CIA personnel. In addition to these, there has long been a tradition of discipline and loyalty to the mission of the CIA that has controlled, influenced and guided the conduct of Agency personnel in the performance of their official duties and in their private lives. The Agency continues to rely heavily on this discipline and loyalty, even when ^{employees} ~~they~~ ultimately leave the Agency. With respect to former personnel, the Agency expects, indeed depends on, their avoiding any personal or professional activity at any time after they have left the Agency which could harm or embarrass the Agency. When such former personnel have questions as to whether a proposed activity falls within this Agency concern~~a~~, it is expected that Agency guidance will be immediately sought.

3. The Code of Conduct is easily stated. Its effectiveness will depend on how it is implemented and, ultimately, to what extent it becomes part of service discipline. Since the creation of CIA, its employees have understood that employment with CIA involved both special demands and acceptance of a unique trust. Despite individual aberrations, most CIA employees have welcomed the concept and the operation of service discipline. This has been a matter of pride. The annual requirement to read [] and its predecessors also provided an annual reminder and a reinforcement of that discipline. We have not made a similar institutional effort to instill recognition of and support for a continuation of that same discipline after employment. (Perhaps the strong sense of an individual "social contract" between the employee and the service, which used to exist and which has been seriously damaged in recent years, made special emphasis on post employment largely unnecessary.) We need now to start focusing on post employment discipline, beginning with EOD. If handled properly, I believe most of our employees will welcome this focus as a step in the right direction. It will not preclude the Wilson/Terpil type of situation, but as it becomes an integral part of service discipline, it might cause former employees to think twice and/or seek guidance before becoming involved in something questionable.

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4. If you approve the proposed Code of Conduct in principle, we can develop precise wording and a recommendation for implementation and continuing education. As an obvious step, it should be included [] where it will be provided as an annual reminder.

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APPROVED:

EXCOM 81-9054
7 October 1981

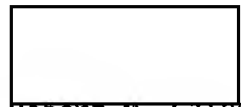
MEMORANDUM FOR: General Counsel
Director of Personnel

FROM: Robert M. Gates
Director, DCI/DDCI Executive Staff

SUBJECT: Follow-up for 6 October Executive Committee Session:
Proposed Employment Contracts

1. To confirm the follow-up required for yesterday's Executive Committee meeting, Admiral Inman would like Stan to recast his memorandum on proposed employment contracts incorporating the views expressed by Executive Committee members and his own views. He should also reword Option C along the lines of Option A, noting examples of post-Agency employment to be of concern (military, police, etc.). This memorandum should be circulated to members for review and resubmitted to the DCI/DDCI by the end of the week.

2. The DDCI also would like Jim to draft a revised Code of Ethics, circulate it to members for their views, and forward it to the DCI/DDCI for review by the end of the week. The Code should make it clear that former Agency employees are not to engage in activities that would defame the Agency in any way.


Robert M. Gates

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